Supreme Court, U.S.
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No. 96-803

In The

Supreme Court of the United States

October Term, 1996

STEVEN D. SITKOFF and BERNICE E. SITKOFF, Individually and as Parents and Natural Guardians of Jessica Sitkoff, a Minor, and as Administrators of the Estate of Gwyn Allison Sitkoff, Deceased,

Petitioners,

v.

BMW OF NORTH AMERICA, INC. and BAVARIAN MOTOR WORKS, A.G., et al.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

BRIEF OF PETITIONERS IN REPLY TO BRIEF OF RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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Petitioners Steven D. Sitkoff and Bernice E. Sitkoff hereby reply to the brief of respondents in opposition to the petition for a writ of certiorari.

ARGUMENT IN REPLY

The "crash films, test reports, design drawings, approximately 220 photographic slides, 16 still photograph and video reproductions of vehicular rollover tests, and various documents relative to the 325i . . . ", referred to on page 4 of respondents' brief, concerned a hardtop coupe, not a convertible. (Petition at 3; R. 507-516). The production of this information was irrelevant to the crashworthiness claims and therefore was insufficient for the Sitkoffs' experts to prepare expert reports about safety and design alternatives for a convertible.

CONCLUSION

For the reasons set forth above, and in the petition, petitioners urge that the petition for a writ of certiorari be granted.

Respectfully submitted,

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Dated: January 10, 1997